

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC.,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 04-939-JJF
	:
TEVA PHARMACEUTICALS	:
U.S.A., INC.,	:
	:
Defendant.	:

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THE PROCTOR & GAMBLE COMPANY,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 04-940-JJF
	:
TEVA PHARMACEUTICALS	:
U.S.A., INC.,	:
	:
Defendant.	:

**O R D E R**


WHEREAS, on February 8, 2005, Defendant filed a letter with the Court seeking to consolidate cases 04-cv-939 and 04-cv-940 (D.I. 9);

WHEREAS, on May 3, 2005, the Court ordered the parties to submit memoranda setting forth the advantages and disadvantages of consolidation (D.I. 10);

WHEREAS, in reviewing the parties' submissions, the Court concludes that, although the cases have some common issues, the advantages of consolidation are outweighed by the disadvantages, namely, the differing factual and legal issues and the potential for confusion to a jury;

NOW THEREFORE, IT IS HEREBY ORDERED that the Court will decline to consolidate cases 04-cv-940 and 04-cv-939.

May 6, 2005  
DATE

  
UNITED STATES DISTRICT JUDGE